

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 1-14 and 33-45 were present for examination. claims 1, 3, 33, and 35 are amended by this paper, and no claims are canceled or added. Therefore, claims 1-14 and 33-45 are present for examination, and claims 1 and 33 are the independent claims.

Applicants respectfully request entry of this amendment and reconsideration of this application.

35 U.S.C. §103(a) Rejection, Ahuja, Walker, and Muehlberger References

The Office Action has rejected claims 1-4, 13, 14, 33-36, 44, and 45 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Ahuja et al., U.S. Patent Pub. 2001/0056402 ("Ahuja") in view of the cited portions of Walker et al., U.S. Patent 5,884,274 ("Walker"), and further in view of the cited portions of Muehlberger et al., U.S. Patent 5,285,382 ("Muehlberger"). Applicants respectfully traverse because the Office Action has not made out a *prima facie* case of obviousness.

Claim 1 recites

1. *A system for processing account payments, comprising:*
 - control logic configured to receive one or more payment transactions from a client;*
 - control logic configured to determine, for each of the payment transactions, whether the payment transaction is to be processed on a batch basis or on a real-time basis;*
 - control logic configured to invoke a real-time process to process payment transactions that are determined to be processed on a real-time basis, the real-time process being invoked upon submission of the payment transactions that are determined to be processed on the real-time basis; and*
 - control logic configured to invoke a batch process to process payment transactions that are determined to be processed on a batch basis, the batch process being invoked at a designated time in a processing cycle*

without regard to timing of submission of the payment transactions that are determined to be processed on the batch basis;
wherein for each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction; and wherein a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment.

Claim 1 is not obvious in view of the combination of Ahuja, Walker, and Muehlberger for at least the reason that the references, even when combined, do not teach or suggest all of the limitations of claim 1. At least the highlighted portions of claim 1 above are not taught or suggested by the references.

As is explained in Applicants' specification, a *payment transaction* is usually a transaction in which a credit customer sends funds to the credit issuer in order to pay down the balance owed to the issuer. (Specification paragraphs [0008], [0018]). A reversal of a previously paid amount is also called a *payment transaction*, as is described in paragraph [0016]. Claim 1 has been amended to include the limitations of former claim 3. Claim 1 thus now recites explicitly that *a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment*. Claim 3 has been amended to specify that *a payment transaction represents a payment received from an account holder toward an amount owed on a credit account*. The amendment to claim 3 finds support in the specification at least in original claim 3 and in paragraphs [0016]-[0018] of the specification.

The kinds of transactions recited in claims 1 and 3 are in contrast to the kind of transaction, described in paragraph [0006], wherein a customer uses credit to make a purchase.

Payment to the issuer may be made using many different kinds of vehicles, including cash, check, money order, wire transfer, or other vehicles. (Paragraph [0016]).

Previously, payment transactions were processed in a batch mode, resulting in delays and inconvenience. (Paragraph [0009]).

Claim 1 recites *control logic configured to receive one or more payment transactions from a client*, and other logic for processing the payment transactions, either in real time or batch mode. Claim 1 also recites that *for each payment transaction processed by the real-time process, available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction*. This element reflects the fact that claim 1 recites a system used by a recipient of funds in a payment transaction, and recites one effect of the payment transaction – that the outstanding credit balance is adjusted.

The Office Action relies on Ahuja to teach or suggest both of these elements. In fact, Ahuja does not.

In support of the rejection, the Office Action cites paragraph [0090] of Ahuja. Ahuja describes “a system and method for accessing financial information or conducting financial transactions ... using wireless communications devices.” (Ahuja Abstract). The transactions that the system may handle include “bill paying requests” that may be processed “substantially in real time”. (Ahuja paragraph [0090]).

However, the “bill paying requests” described by Ahuja are requests to send funds to a creditor. The sending of funds may be handled immediately, but Ahuja does not describe how the creditor handles the payment transactions it receives. As such, Ahuja does not describe control logic for receiving payments, nor adjusting any credit balance. The function of the system in Ahuja is to simply forward funds to the creditor. Ahuja has no control over and does not describe what the creditor does with the funds, or how quickly. Since the delays and inconvenience alleviated by Applicants’ invention are related to prior methods of processing and posting of payments received by the creditor, Ahuja’s system cannot provide the benefits of Applicants’ invention.

Ahuja does not teach or suggest that for which it is relied upon by the Office Action, including at least *control logic configured to receive one or more payment transactions from a client*, and that *for each payment transaction processed by the real-time process*,

available credit relative to a corresponding account is adjusted in real-time based on information included in such payment transaction.

In the rejection of former claim 3, the Office Action cites paragraph [0044] of Ahuja as disclosing that *a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment*, with the explanation that Ahuja's paragraph [0044] "reads on 'crediting an debiting'". (Office Action p. 6). Ahuja's paragraph [0044] contains the words "debiting and crediting", but bears no other resemblance to this limitation. This passage of Ahuja is part of a description of a system block diagram, and does not describe a *payment transaction*.

The other cited references do not cure this deficiency. For example, Walker describes an insurance system for "protecting individual consumers against unpredictable fluctuations of foreign exchange rates." (Walker col. 1 lines 49-51). Walker also describes only purchase transactions, and not payment transactions. The end result of the operation of Walker's method with respect to a credit card account is a credit on the monthly statement of the user, which necessarily happens before any *payment transaction* relating to the statement. (Walker col. 10 lines 10-12).

Muehlberger describes a system for delegating part of the approval process for credit card purchase transactions to a vending machine, which can then forward the purchase transaction data to a clearing facility in a batch mode or in real time. Muehlberger also does not deal with payment transactions.

Because the cited references, even in combination, do not teach or suggest all of the limitations of claim 1, claim 1 is believed allowable. Claims 2-4, 13, and 14 depend from claim 1 and add further limitations, and are believed allowable for at least this reason.

Claim 33 is a method claim reciting steps analogous to the functions that the elements of claim 1 are configured to perform. For example, claim 33 recites in part *receiving a plurality of payment transactions from a client; determining, for each of the plurality of payment transactions, whether the payment transaction is to be processed on a batch basis or*

*on a real-time basis; ... and for each **payment transaction** processed by the real-time process, **adjusting available credit relative to a corresponding account in real-time based on information included in such payment transaction.*** Claim 33 has also been amended to include the limitations of former claim 35. Claim 33 thus now also recites explicitly that *a payment transaction represents either a payment to be credited against a corresponding account or a reversal to be performed against the corresponding account to retract a previously made payment.* Claim 35 has been amended in a manner similar to the amendment of claim 3.

Claim 33 is believed allowable for reasons similar to those given above with respect to claim 1. Claims 34-36, 44, and 45 depend from claim 33 and add further limitations, and are believed allowable for at least this reason.

Other 35 U.S.C. §103(a) Rejections

The Office Action has rejected claims 5-7 and 37-39 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 3 above, and further in view of the cited portions of Couch, U.S. Patent 4,650,977 ("Couch").

The Office Action has rejected claims 8-10, 12, and 40-42 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Alvin, U.S. Patent 7,139,731 ("Alvin").

The Office Action has rejected claims 11 and 43 under 35 U.S.C. §103(a) as being allegedly unpatentable over the cited portions of Ahuja in view of the cited portions of Walker as applied to claim 1 above, and further in view of the cited portions of Campbell et al., U.S. Patent 4,774,664 ("Campbell").

Each of these dependent claims depends from claim 1 or claim 33, and adds further limitations. As is explained above, claims 1 and 33 are believed allowable. The dependent claims are believed allowable at least by virtue of their dependence from allowable base claims, as well as for the novel features they recite.

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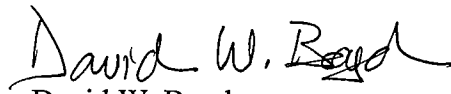
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. Boyd". The signature is fluid and cursive, with the first name "David" being the most prominent.

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